TABLE OF CONTENTS

SH 2363209

EXHIBITS

A Homicide investigation

B District Attorney's Letter of Opinion

C Radio traffic from Sheriff's Communications Center

D Photographs used during Internal Affairs interviews

E Photograph marked by Deputy Lopez

MISCELLANEOUS DOCUMENTS

Admonitions

Homicide memorandum

Training records



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

March 4, 2015

Captain Rod Kusch
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 14-0539
L.A.S.D File No. 014-15488-1325-013

Dear Captain Kusch:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 18, 2014, fatal shooting of Luther Walker by Los Angeles County Sheriff's Department (LASD) Deputy Carlos Lopez. It is our conclusion that Deputy Lopez acted in lawful defense of another.

The District Attorney's Command Center was notified of the shooting on August 18, 2014, at approximately 12:15 p.m. The District Attorney Response Team (DART), comprised of Deputy District Attorney Oscar Plascencia and District Attorney Senior Investigator Regina Crenshaw, responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports submitted to this office by LASD Homicide Detectives Phillip Guzman and Kathy Gallagher. Voluntary statements of the deputies involved were considered as part of this analysis.

FACTUAL ANALYSIS

On August 18, 2014, at approximately 5:30 a.m., LASD personnel at the LASD Lakewood Station received a 9-1-1 call transfer from the California Highway Patrol (CHP). [redacted] reported that she was being held hostage at gunpoint by her [redacted] later identified as Luther Walker. Walker was also heard during the call stating that [redacted] address was [redacted] Artesia Boulevard, unit # [redacted] in the City of Bellflower.

At approximately 5:58 a.m., an employee from LASD Lakewood Station attempted to contact [redacted] on her cell phone. [redacted] answered her cell phone and left it unattended for several minutes as she and Walker argued in the background before hanging up. Each time the LASD employee re-dialed [redacted] or Walker hung up the phone or left the line open for several minutes as they argued in the background. Both [redacted] and Walker spoke to the LASD

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

employee on a few occasions but answered very few questions and did not comply with requests to come outside of the apartment to resolve the situation. During one of these calls, Walker claimed that [redacted] had attacked him and injured his spine.

By approximately 6:00 a.m., LASD deputies responded to unit [redacted] which is on the second story of [redacted] Artesia Boulevard. Several deputies set up a containment and began to monitor the front and rear windows of the unit. Several of the deputies stationed below the open front window of the apartment could hear [redacted] screaming, "Let me go, I want to leave," while Walker repeatedly told her that she could not go. In addition, the deputies heard loud, unidentified noises coming from within the location.

At approximately 6:34 a.m., [redacted] was again telephonically contacted by personnel at the LASD Lakewood Station. [redacted] stated that she was being held by her [redacted] Luther Walker who had barricaded the front door with a refrigerator. [redacted] stated that Walker came to her apartment claiming he was being followed by someone. [redacted] denied that Walker had a gun though she had previously told the CHP dispatcher that Luther was armed with a gun.[1]

LASD deputies outside of unit #[redacted] could hear [redacted] as she continued to yell at Walker to let her go. Walker refused, telling [redacted] that she was his hostage. The deputies also continued to hear loud, unidentified noises coming from inside the location. Various deputies repeatedly ordered Walker and [redacted] to come out with their hands up but neither complied. At one point, Walker yelled that he did not have any weapons or a gun.

At approximately 6:56 a.m., due to the ongoing hostage situation, the LASD Special Enforcement Bureau (SEB) responded to the location, took over the investigation, and mobilized several different teams to monitor the front and rear of unit #[redacted]. A crisis negotiation team was assigned to communicate with Walker and a team was organized to enter and rescue [redacted] from the apartment. Detective [redacted] was assigned as the lead crisis negotiator tasked with communicating with Walker. In addition, two SEB long rifle teams comprised of four men were positioned in different locations outside the apartment with a view of the windows. Deputy Carlos Lopez was one of the four deputies assigned to the long rifle teams. Personnel from the LASD Lakewood Station continued to try and reach Walker.

At approximately 7:30 a.m., Walker appeared in the rear window of unit #[redacted] and deputies at the location ordered him to exit peacefully from the apartment. Walker did not comply. [redacted] made telephonic contact with Walker who informed him that he was not coming out.

Approximately an hour later [redacted] threw keys out of the front windows of the apartment and told the deputies to get her out of the apartment. During the next hour and a half, [redacted] maintained sporadic telephonic contact with Walker and [redacted] and requested that Walker come out of the apartment. Walker refused and could be heard arguing with and swearing at [redacted] in the background.

---

[1] Walker can be heard screaming and arguing with [redacted] in an audio recording of the call. Walker can also be heard screaming at deputies outside the apartment.

At 9:58 a.m., [redacted] stated that she wanted to come out of the apartment but Walker refused to let [redacted] leave. Within minutes, Walker became very agitated and at approximately 10:05 a.m. told [redacted] to open the windows in the apartment. During the next half hour, various deputies at the location observed as Walker shadowed [redacted] in different rooms of unit [redacted] appeared in one of the windows with Walker standing in the room behind her; a few minutes later deputies saw Walker in close proximity to [redacted] as she sat in the living room. Walker also stood at the rear window of unit #[redacted]

During the ongoing crisis, various deputies stationed at the front and rear windows of unit #[redacted] could hear and communicate with Walker, including Deputy Francois Ervin who spoke to Walker at the rear window. Ervin noticed that Walker did not appear to be mentally stable. During his verbal exchanges with Walker, Walker refused to come out, stated that he was going to die that day, stated that he had plenty of weapons and threatened to kill [redacted] Other deputies assigned to containment positions at the front and rear of unit #[redacted] also heard Walker as he called [redacted] a "bitch," threatened to kill her and informed the deputies that he was going to die that day. Deputy Edson Salazar, who was stationed close to Ervin, heard Walker call [redacted] a "bitch" and threaten to "smoke" her. Salazar heard Walker claim he had a gun.

At approximately 11:12 a.m., the deputies used a public address system to ask Walker to give himself up peacefully. Walker stated, "I'm going to smoke this bitch; I'm going to die today." At approximately 11:23 a.m., Walker was spotted standing in the front window of the apartment. Moments later, [redacted] also appeared at the front window and the deputies once again used a public address system to ask Walker to come out. Again, Walker did not comply.

At approximately 11:29 a.m., [redacted] was spotted at the rear window pulling the blinds open and removing other items covering the window. [redacted] told the deputies she wanted to get out. Walker also appeared in the window. Walker yelled at [redacted] and accused [redacted] of "setting him up." [redacted] attempted to escape from Walker and pushed out the rear window screen.[2] Walker became very agitated, struggled with [redacted] and began to pull her away from the window. Lopez observed the altercation and, fearing that Walker would fulfill his threats to kill [redacted] fired a single shot at Walker. Both Walker and [redacted] disappeared from the window. Within minutes, a rescue team entered unit #[redacted] and got [redacted] out of the apartment. Walker, who had been struck in the right temple by Lopez' shot, was found deceased in the rear bedroom of the apartment.

Hostage negotiator Detective [redacted] spoke directly with Walker during the hostage crisis.[3] According to [redacted] Walker vacillated between being calm and agitated. Walker grew angrier as he repeatedly claimed that another hostage negotiator aside from [redacted] was calling him and giving him instructions. [redacted] repeatedly reassured him that he was the only crisis negotiator he had spoken to. Walker also frequently reversed himself after saying that he would

---

[2] SEB deputies were prepared to rescue [redacted] from the second floor by using emergency ladders.

[3] [redacted] conversations with Walker were recorded but are often unintelligible and of poor quality due to the fact that Walker often yelled, rambled incoherently and spoke into the phone from far away. Walker's demeanor also varies wildly in the recordings from relatively calm to extremely agitated.

let [redacted] go. Walker told [redacted] that he would kill [redacted] and would die himself. He further explained that he did not want to go back to jail as he already had a couple of "strikes." Moreover, Walker told [redacted] that he would not allow [redacted] to move the items blocking the front door of the apartment. Walker hung up the phone on [redacted] and was shot soon thereafter.

Los Angeles County Coroner's Investigator Kimberly Arnold responded to unit #[redacted] to recover Walker's body for transportation to the Coroner's Office. No gun was found on Walker or in the apartment. However, when Arnold rolled Walker over, a 4 inch steak knife was found underneath him.

When interviewed after being rescued, [redacted] stated that Walker had not harmed her and that she had never called 9-1-1 for help. [redacted] later admitted that she had called 9-1-1 and had stated that Walker had a gun but had not meant for the dispatcher to hear that. She also admitted that Walker had barricaded her inside the apartment and would not allow her to leave. [redacted] also informed the investigators that Walker did not actually have a gun even though she stated this during the 9-1-1 call.

On August 20, 2014, Los Angeles County Deputy Medical Examiner Jeffrey Gutstadt conducted an autopsy of Walker's body and found that Walker suffered one gunshot wound to the right side of his head near the temple area. Gutstadt determined that the bullet which struck Walker broke into multiple fragments and traveled through the base of his skull into his spine and chest inflicting injuries which rapidly caused his death.

Blood samples taken from Walker tested positive for methamphetamine, amphetamines, marijuana, fentanyl, and methylene-dioxy-meth-amphetamine (MDMA). Walker's [redacted] and [redacted] who were interviewed as part of this investigation, informed investigators that Walker and [redacted] were addicted to narcotics. [redacted] also told SEB investigators that Walker, who was the [redacted] of her [redacted] year old [redacted] suffered from paranoia and schizophrenia.

CONCLUSION

The use of deadly force in self-defense or in the defense of another is justifiable if the person claiming the right actually and reasonably believed the following: (1) that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) that the immediate use of force was necessary to defend against that danger; and (3) that he used no more force than was reasonably necessary to defend against that danger. See *CALCRIM No. 505*.

The test for whether an officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." *Munoz v. City of Union City* (2004) 120 Cal.App.4th 1077, 1102.

Reasonableness of force used by an officer depends on the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest

or attempting to evade arrest by flight. *Graham v. Connor* (1989) 490 U.S. 386, 396. "The reasonableness of the particular force used must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* "The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation." *Id.* at 396-97.

The evidence examined shows that Luther Walker engaged in a course of dangerous conduct that led Deputy Carlos Lopez to reasonably believe that he posed a significant threat of death or serious physical injury to [redacted] Walker barricaded himself inside [redacted] apartment, took [redacted] hostage, and repeatedly threatened to kill her. Walker also claimed that he had weapons and refused demands to release [redacted] and come out peacefully. In addition, Lopez and other deputies believed that Walker was armed with a handgun because [redacted] called 9-1-1 to report that Walker was holding her hostage at gunpoint. Deputies in the vicinity of the apartment also heard Walker claim that he had a gun. When Lopez observed Walker pulling [redacted] back into the apartment as she tried to escape, Lopez had to make a split second decision under volatile and rapidly evolving circumstances to prevent Walker from killing or seriously injuring [redacted] Though investigators did not ultimately find a gun on Walker's person or in unit #[redacted] a knife was found under Luther's body indicating that he was likely armed at the time he was shot.

Given these circumstances, Lopez reasonably feared for [redacted] life when he fired once at Walker. We find that Lopez acted in the lawful defense of another. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

OSCAR PLASCENCIA
Deputy District Attorney
(213) 974-3888

c: Carlos Lopez, #[redacted]